

## REMARKS

### Status Summary

In this Amendment, claims 1-21 are canceled, and claims 34-39 have been added. Therefore, upon entry of this Amendment, claims 22-39 will be pending.

### Restriction Requirement

Applicants hereby affirm the election of claims 22-33 with traverse made by telephone with the Patent Examiner on May 13, 2003. The non-elected claims, claims 1-21, have been canceled. Applicants reserve the right to file a divisional application for the non-elected claims.

### Claim Rejections 35 U.S.C. § 102

Claims 22-27 and 29-33 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,205,557 to Chong et al. (hereinafter, "Chong"). This rejection is respectfully traversed.

The present invention, for example as claimed in independent claims 22 and 29 include a scalable call processing node and a method that allows switchover between primary and backup call servers that perform call management functions for a media gateway. For example, claim 1 has been amended to recite that the call server module operating in the primary mode selects a media gateway through which a call associated with a received call signaling message will be routed and performs a media gateway management function to set up the call in the media gateway. As illustrated in Figure 7 of the present application, a call server module includes a translation table, a routing

table, an endpoint table, a connection table, and a state table that a call server collectively uses to manage a media gateway to complete calls through the media gateway. This information is replicated from the primary call server to the secondary call server so that subsecond switchover can occur in response to failure of the primary call server.

⦿ There is absolutely no teaching or suggestion in Chong of primary and secondary call servers that perform media gateway management functions, such as establishing a call in a media gateway, storing media gateway connection status information, or storing call state information regarding calls in progress through the media gateway. Rather than teaching a call server that manages a media gateway, Chong teaches that call server **140** is a component of database **103**. The primary function of database **103** is to formulate a response to a query from a switch. For example, Chong states:

The call server **140** processes the signaling message and returns a response with directions to the interface server **120**, based on the processing results. The interface server **120** in turn returns the response to the switch **101** through the signaling network **102**. (See column 3, lines 6-10 of Chong.)

From this passage, Chong merely teaches that call server **140** formulates responses to database queries. There is absolutely no teaching or suggestion of performing media gateway management functions, such as establishing calls, storing connection status, or storing call state information regarding calls in progress via a media gateway. Thus, it is respectfully submitted that the rejection of claims 22-27 and 29-33 as anticipated by Chong should now be withdrawn.

Claim Rejections 35 U.S.C. § 103

Claim 28 was rejected under 35 U.S.C. § 103(a) as unpatentable over Chong in view of U.S. Patent Publication No. 2002/0057782 to Haruta (hereinafter, "Haruta"). This rejection is respectfully traversed.

Claim 28 depends from claim 22. As stated above, Chong fails to teach first and second call servers that perform media gateway management functions for establishing and maintaining calls in a media gateway or performing switchover between such modules. Haruta likewise lacks such teaching or suggestion. Haruta is directed to a call center apparatus that controls the distribution of calls in a PBX. Haruta is not even remotely related to performing media gateway management functions or performing switchover of those functions as claimed. Nonetheless, the Examiner contends that paragraph 99 of Haruta discloses the state table of claim 28.

Paragraph 99 of Haruta states as follows:

In operation state of each record corresponding to each ACD group of each site (ACD site) when the transfer control step is extracted from route table 310.

The abbreviation ACD in the passage above refers to automatic call distribution. In paragraph 101, Haruta states that the state information includes the number of calls that are queued in each ACD group on the site, the wait time, and alternate destination telephone numbers. (See paragraph 101 of Haruta.) There is absolutely no teaching or suggestion in Haruta of performing media gateway management functions for setting up calls in a media gateway. Thus, it is respectfully submitted that the rejection of claim 28 as unpatentable over Chong in view of Haruta should now be withdrawn.

New Claims

New dependent claims 34-39 are added. Support for claims 34-39 is found, for example, in figures for the subject patent application.

CONCLUSION

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

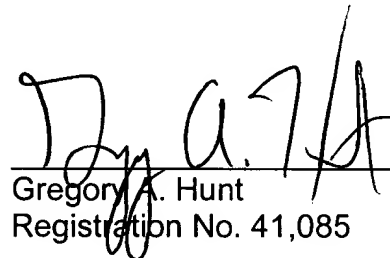
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: November 14, 2003

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Enclosure